



THE CITY OF SAN DIEGO  
**REPORT TO THE CITY COUNCIL**

DATE ISSUED:

September 1, 2010

REPORT NO: 10-112

ATTENTION:

Public Safety & Neighborhood Services Committee

SUBJECT:

Amendments to SDMC 63.0102, Use of Public Parks and Beaches Regulated – Dog Off-Leash Areas and Dogs in Public Parks, Plazas, Beaches, and Beach Areas

REFERENCE:

REQUESTED ACTION:

Amend San Diego Municipal Code 63.0102, Use of Public Parks and Beaches Regulated, as follows:

1. Change terminology of “designated dog exercise area” to be referenced as “dog off-leash area” and,
2. Dog Off-Leash Area – Add section 63.0102(c) to provide specific municipal codes to support current rules/regulations within dog off-leash areas and dog training areas; and,
3. Dogs in Public Parks, Plazas, Beaches, and Beach Areas - Add a section 63.0102 (d) to establish specific municipal codes for rules/regulations of dogs in parks, plazas, beaches, and beach areas within the City of San Diego.

STAFF RECOMMENDATION:

Amend San Diego Municipal Code 63.0102, Use of Public Parks and Beaches Regulated, as requested.

BACKGROUND:

The Park and Recreation Department’s current rules and regulations involving dog off-leash areas were established in May 2001 by a City Council-approved, volunteer, advisory Ad Hoc Off-Leash Dog Committee (Committee). The Committee developed policies and

rules/regulations to post at dog off-leash areas including that individuals entering into dog off-leash areas did so at their own risk and that they accepted liability for the actions of their dogs. The information also provided that dog training classes were not allowed in the off-leash areas and that violation of the regulations may result in revocation of the dog off-leash area designation and/or prosecution under applicable law. However, these policies and rules/regulations themselves were not codified in the San Diego Municipal Code (SDMC) so they did not have the force and effect of law.

Additionally, the applicable rules/regulations posted included direction on proper leashing, restrictions and requirements for handling aggressive dogs, and the handler's responsibilities with regard to proper licensing and vaccination. Signage notified users of the dog off-leash areas of the requirements for the supervision of dogs and children while in the dog off-leash area and posted the phone numbers of San Diego Police Department, Park and Recreation Department, (Department) and San Diego County Animal Control.

Currently, adherence to the rules/regulations established for dog off-leash areas, rely on compliance gained by peer pressure and self-policing. Users often educate and inform others of the established rules/regulations posted. While self-policing will always be part of regulating a dog off-leash area, at times it is not sufficient. The Department staff realized that there was an increasing need for an enforcement mechanism to improve regulation of all dog off-leash areas and dogs in parks, plazas, beaches, and beach areas within the City of San Diego.

As a result, the Department is recommending amending SDMC 63.0102, Use of Public Parks and Beaches Regulated. This amendment will codify the rules/regulations created in 2001 for established dog off-leash areas to allow for formal enforcement. Through the enactment of this Ordinance, City Park Rangers and Peace Officers will have the ability to enforce the provisions through citation. City Staff is also in discussion with the San Diego County Department of Animal Services to authorize their jurisdiction to enforce the proposed amendments to SDMC 63.0102. The proposed amendments would also assist in regulating dogs in parks, plazas, beaches, and beach areas within the City of San Diego.

The most frequent complaints to the Department staff are related to the inability of people to control multiple dogs at one time. The current rule/regulation requires that dogs must be under voice control. In researching current best practices within and outside of San Diego County the Department has determined that agencies are establishing limits to the number of dogs a handler can bring in to an off-leash area at any one time. When a limit was identified, we found that the



number of dogs per handler identified most frequently was three (3) dogs per person.

(Attachment 1) For consistency and safety, the Department is recommending implementation of the three (3) dogs per person limit at anytime.

It is the purpose and intent to amend SDMC 63.0102, Use of Public Parks and Beaches Regulated to regulate designated dog off-leash areas and dogs in parks, plazas, beaches, and beach areas within the City of San Diego in the interest of protecting the enjoyment and safety of the public in the use of these facilities. The amendments to SDMC 63.0102 require City Council review and approval.

Change Terminology- Current terminology in SDMC 63.0102, Use of Public Parks and Beaches Regulated, identifies a dog off-leash area as a “designated dog exercise area”. For greater clarification and consistency it is recommended that “designated dog exercise area” be changed and referenced as “dog off-leash area”.

Dog Off-Leash Area and Dog Training Area- To increase the ability to regulate dog off-leash areas, it is recommended that the rules/regulations established in May of 2001 be codified in the San Diego Municipal Code. In addition, it is recommended that a three (3) dog limit per person at anytime be implemented to assist in the control of dogs and of the dog off-leash area environment. The following regulations would be added as section 63.0102(c):

- **Three Dog Limit.** It is unlawful for an owner or person with custody, care, charge, control, or possession of a dog, or both, to have more than three (3) dogs within a designated dog off-leash area or dog training area at anytime.
- **Dog Supervision.** It is unlawful for an owner or person with custody, care, charge, control, or possession of a dog, or both, to abandon or otherwise leave any dog unattended or unsupervised within any designated dog off-leash area or dog training area at any time.
- **Female Dogs in Estrus.** It is unlawful for a dog owner or person with custody, care, charge, control, or possession of a dog, or both, to have a female dog in estrus (heat cycle) within a dog off-leash area or dog training area.
- **Current Dog License Required.** It is unlawful for a dog owner or person with custody, care, charge, control, or possession of a dog, or both, to have a dog within a designated off-leash area or dog training area without a current and valid dog license as required by San Diego County Code Section 62.620 and adopted by San Diego Municipal Code Section 44.0300.

Dogs in Public Parks, Plazas, Beaches, and Beach Areas- It is also recommended that a new section (d) be added to establish rules/regulations for dogs in all public parks, plazas, beaches, and beach areas within the City of San Diego. Section (d) would include the following:

- It is unlawful for a dog owner or person with custody, care, charge, control, or possession of a dog, or both, to have a dog over the age of four (4) months within a public park or plaza or public beach or beach area without a current dog license as required by law. This provision shall not apply to non-residents visiting for less than thirty (30) days.
- It is unlawful in the event of a dog bite that results in injury requiring medical care to a person or another dog, the owner(s) or person(s), or both, with custody, care, charge, control or possession of the dog, at the time of the injury, to fail to provide his or her full name, correct dog license information, telephone number, mailing address, and driver's license number.

The Department sought input and endorsement from a number of dog off-leash area stakeholders, and Park and Recreation Department Advisory Groups. Through this eight (8) month public outreach, the Department gained further insight that has enabled us to provide a comprehensive final proposal to the City Council. As a second phase of dog off-leash areas, the Department plans to review policies and procedures for the siting and design of future dog off-leash areas.

SUMMARY:

Amend Chapter 6, Article 3, Division 1 of the San Diego Municipal Code by amending Section 63.0102(b)(2)(c) and adding Sections 63.0102(c) and 63.0102(d), all relating to Dog Off-Leash and Dog Training Areas, and to Dogs in Public Parks, Plazas, Beaches, and Beach Areas.

FISCAL CONSIDERATIONS:

Funding in the amount of \$10,500 is required for new signage which is available in the Park and Recreation Department FY 2011 budget.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Beginning in April 2010 the Draft Proposed Amendments to SDMC 63.0102, Use of Public Parks and Beaches Regulated was presented to the numerous Park and Recreation Department park advisory groups for endorsement. Of the sixty-two (62) groups which reported results, one group (1) did not support the proposed amendments; one group (1) endorsed all the proposed amendments with the exception of dog limits; and eleven groups (11) recommended modifications to include:

September 1, 2010

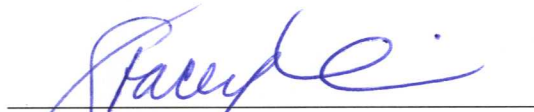
- In the event of a dog bite **OR ACT** that results in injury...addition of **OR ACT** - (2)
- Require male dogs to be neutered - (3)
- Limit of dogs decreased from three (3) to two (2)
- Limit of dogs increased from three (3) to four (2)
- Mandate dogs should wear dog tags while in City-owned Parks and Plazas - (1)
- All rules and regulations at the dog off-leash areas should be regulated by SDMC - (1)

The Balboa Park Committee, Community Parks I Area Committee, Community Parks II Area Committee, Mission Bay Park Committee, and the Open Space Advisory Committee all endorsed the draft proposed amendments as presented.

On July 17, 2010 the Park and Recreation Board voted unanimously to recommend amending San Diego Municipal Code 63.010, Dog Off-Leash Areas, Dogs in Public Parks, Beaches, and Beach Areas.

**KEY STAKEHOLDERS AND PROJECT IMPACTS:**

Dog-off leash area stakeholders and Park and Recreation Department park advisory groups.

  
\_\_\_\_\_  
Stacey LoMedico, Director  
Park and Recreation Department

- Attachments:
1. City of San Diego Dog Off-Leash Areas Survey Results
  2. Proposed Ordinance 0-2011-11
  3. Proposed Strikeout Ordinance 0-2011-11



## City of San Diego - Dog Off Leash Areas Survey Results - County of San Diego

Prepared June 09, 2009

Page 1

	Carlsbad	Chula Vista	Escondido	San Diego
Off leash only permitted in the park not to or from	Y	Y	Y	Y
Dog owners must clean up after their dogs	Y	Y	Y	Y
Dog must be collared with current license	Y	Y	Y	Y
Aggressive* dogs must be removed immediately	Y	Y	Y	Y
Max # of dogs per handler	N/A	N/A	3	Proposed
Age of children unattended by adult	N/A	N/A	N/A	N/A
Female dogs in season are not allowed	Y	Y	Y	Y
No consumption of alcohol, food or use of glass	Y	Y	Y	Y
Minimum age of dogs	N/A	4 Months	4 Months	Recommend
Proof of vaccination must be available	Y	Y	Y	Y
Dogs cannot be left unattended	Y	N/A	Y	Y
Small dog designated area	N/A	Y	N/A	Recommend
No use by dog trainers unless permitted	N/A	N/A	N/A	N/A
Control excessive barking and noise	Y	Y	N/A	N/A
Owners to fill holes before leaving	N/A	N/A	N/A	Y
Permits required by holders and registered dogs	N/A	N/A	N/A	N/A
Smoking not permitted	Y	N/A	Y	Y
Dogs must be neutered or spayed	N/A	Recommended	N/A	N/A
Dogs must be under voice command	N/A	N/A	N/A	Y
Sick dogs prohibited	N/A	Y	Y	Y
Dog toys are allowed	N/A	N/A	N/A	N/A
Spectators must remain outside the gate	N/A	N/A	N/A	N/A
Incident or report forms available	N/A	N/A	N/A	Recommend
Banishment for non-compliance	N/A	Y	N/A	Y
Permits for professional dog walkers	N/A	N/A	N/A	N/A
Parking regulations apply	N/A	N/A	N/A	N/A

\*\* Aggression may include but not be limited to unruly behavior; snarling; unwanted jumping; behavior that is threatening, hostile or combative.

City of San Diego - Dog Off Leash Areas Survey Results - County of San Diego

Prepared June 09, 2009

Page 2

	Poway	Vista	San Diego
Off leash only permitted in the park not to or from	Y	Y	Y
Dog owners must clean up after their dogs	Y	Y	Y
Dog must be collared with current license	Y	Y	Y
Aggressive* dogs must be removed immediately	Y	Y	Y
Max # of dogs per handler	N/A	N/A	Proposed
Age of children unattended by adult	N/A	16	N/A
Female dogs in season are not allowed	N/A	N/A	Y
No consumption of alcohol, food or use of glass	N/A	N/A	Y
Minimum age of dogs	N/A	N/A	Recommend
Proof of vaccination must be available	Y	Y	Y
Dogs cannot be left unattended	Y	Y	Y
Small dog designated area	N/A	N/A	Recommend
No use by dog trainers unless permitted	Y	Y	N/A
Control excessive barking and noise	N/A	Y	N/A
Owners to fill holes before leaving	N/A	N/A	Y
Permits required by holders and registered dogs	N/A	N/A	N/A
Smoking not permitted	N/A	N/A	Y
Dogs must be neutered or spayed	N/A	N/A	N/A
Dogs must be under voice command	Y	Y	Y
Sick dogs prohibited	N/A	N/A	Y
Dog toys are allowed	N/A	N/A	N/A
Spectators must remain outside the gate	N/A	N/A	N/A
Incident or report forms available	N/A	N/A	Recommend
Banishment for non-compliance	N/A	N/A	Y
Permits for professional dog walkers	N/A	N/A	N/A
Parking regulations apply	N/A	N/A	N/A

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City of San Diego - Dog Off Leash Areas Survey Results - Outside of San Diego County

Prepared June 09, 2009

Page 3

	Colorado	Dodge	Florida	LA	Phoenix	San Diego
Off leash only permitted in the park not to or from	Y	Y	Y	Y	Y	Y
Dog owners must clean up after their dogs	Y	Y	Y	Y	Y	Y
Dog must be collared with current license	Y	Y	Y	Y	N/A	Y
Aggressive* dogs must be removed immediately	Y	Y	Y	Y	Y	Y
Max # of dogs per handler	3	3	3	3	N/A	Proposed
Age of children unattended by adult	18	12	14	N/A	N/A	N/A
Female dogs in season are not allowed	Y	Y	Y	Y	Y	Y
No consumption of alcohol, food or use of glass	Y	Y	Y	N/A	N/A	Y
Minimum age of dogs	4 Months	4 Months	4 Months	4 Months	N/A	Recommend
Proof of vaccination must be available	Y	Y	Y	Y	Y	Y
Dogs cannot be left unattended	Y	Y	Y	Y	Y	Y
Small dog designated area	N/A	N/A	Y	Y	N/A	Recommend
No use by dog trainers unless permitted	N/A	N/A	N/A	N/A	N/A	N/A
Control excessive barking and noise	N/A	N/A	N/A	N/A	N/A	N/A
Owners to fill holes before leaving	N/A	Y	Y	N/A	Y	Y
Permits required by holders and registered dogs	N/A	Y	N/A	N/A	N/A	N/A
Smoking not permitted	N/A	Y	Y	N/A	N/A	Y
Dogs must be neutered or spayed	Y	Suggested	N/A	N/A	N/A	N/A
Dogs must be under voice command	Y	Y	N/A	N/A	Y	Y
Sick dogs prohibited	Y	Y	Y	Y	N/A	Y
Dog toys are allowed	N/A	No	Y	N/A	N/A	N/A
Spectators must remain outside the gate	N/A	Y	N/A	N/A	N/A	N/A
Incident or report forms available	N/A	N/A	N/A	N/A	N/A	Recommend
Banishment for non-compliance	N/A	Y	N/A	N/A	N/A	Y
Permits for professional dog walkers	N/A	N/A	N/A	N/A	N/A	N/A
Parking regulations apply	N/A	N/A	N/A	N/A	Y	N/A

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City of San Diego - Dog Off Leash Areas Survey Results - Outside of San Diego County

Prepared June 09, 2009

Page 4

	SD Delta Society	Sacramento	San Francisco	St. Paul	S. Carolina	San Diego
Off leash only permitted in the park not to or from	Y	Y	Y	Y	Y	Y
Dog owners must clean up after their dogs	Y	Y	Y	Y	Y	Y
Dog must be collared with current license	Y	Y	Y	Y	Y	Y
Aggressive* dogs must be removed immediately	Y	Y	Y	Y	Y	Y
Max # of dogs per handler	3	2	3	3	3	Proposed
Age of children unattended by adult	By adult	14	N/A	N/A	10	N/A
Female dogs in season are not allowed	Y	Y	N/A	Y	N/A	Y
No consumption of alcohol, food or use of glass	N/A	Y	N/A	N/A	Y	Y
Minimum age of dogs	4 Months	N/A	4 Months	4 Months	4 Months	Recommend
Proof of vaccination must be available	Y	N/A	Y	Y	Y	Y
Dogs cannot be left unattended	Y	N/A	Y	Y	Y	Y
Small dog designated area	N/A	N/A	N/A	N/A	N/A	Recommend
No use by dog trainers unless permitted	N/A	N/A	Y	N/A	N/A	N/A
Control excessive barking and noise	N/A	N/A	Y	N/A	N/A	N/A
Owners to fill holes before leaving	N/A	N/A	Y	N/A	N/A	Y
Permits required by holders and registered dogs	N/A	N/A	Y	N/A	Y	N/A
Smoking not permitted	N/A	N/A	N/A	N/A	Y	Y
Dogs must be neutered or spayed	Y	N/A	N/A	N/A	Y	N/A
Dogs must be under voice command	N/A	N/A	Y	Y	Y	Y
Sick dogs prohibited	N/A	N/A	N/A	N/A	N/A	Y
Dog toys are allowed	N/A	N/A	N/A	N/A	Y	N/A
Spectators must remain outside the gate	N/A	N/A	N/A	N/A	Y	N/A
Incident or report forms available	N/A	N/A	Y	Y	Y	Recommend
Banishment for non-compliance	Y	N/A	Y	N/A	Y	Y
Permits for professional dog walkers	N/A	N/A	Y	N/A	N/A	N/A
Parking regulations apply	N/A	N/A	N/A	Y	N/A	N/A

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City of San Diego - Dog Off Leash Areas Survey Results - Outside of San Diego County

Prepared June 09, 2009

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	Ventura	Virginia	Yorba Pk	San Diego
Off leash only permitted in the park not to or from	Y	Y	Y	Y
Dog owners must clean up after their dogs	Y	Y	Y	Y
Dog must be collared with current license	Y	Y	Y	Y
Aggressive* dogs must be removed immediately	Y	Y	Y	Y
Max # of dogs per handler	N/A	2	3	Proposed
Age of children unattended by adult	N/A	16	16	N/A
Female dogs in season are not allowed	N/A	N/A	Y	Y
No consumption of alcohol, food or use of glass	N/A	Y	Y	Y
Minimum age of dogs	4 Months	4 Months	4 Months	Recommend
Proof of vaccination must be available	Y	Y	Y	Y
Dogs cannot be left unattended	Y	Y	Y	Y
Small dog designated area	N/A	N/A	N/A	Recommend
No use by dog trainers unless permitted	N/A	N/A	N/A	N/A
Control excessive barking and noise	N/A	N/A	N/A	N/A
Owners to fill holes before leaving	Y	N/A	Y	Y
Permits required by holders and registered dogs	N/A	N/A	N/A	N/A
Smoking not permitted	Y	N/A	N/A	Y
Dogs must be neutered or spayed	N/A	N/A	N/A	N/A
Dogs must be under voice command	Y	Y	Y	Y
Sick dogs prohibited	N/A	N/A	Y	Y
Dog toys are allowed	N/A	N/A	N/A	N/A
Spectators must remain outside the gate	N/A	N/A	N/A	N/A
Incident or report forms available	N/A	N/A	N/A	Recommend
Banishment for non-compliance	N/A	N/A	Y	Y
Permits for professional dog walkers	N/A	N/A	N/A	N/A
Parking regulations apply	N/A	N/A	Y	N/A

\*\* Aggression may include but not be limited to unruly behavior; snarling; unwanted jumping; behavior that is threatening, hostile or combative.

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 63.0102(b)(2)(C) AND ADDING SECTIONS 63.0102(c) AND 63.0102(d), ALL RELATING TO DOG OFF-LEASH AND DOG TRAINING AREAS AND TO DOGS IN PUBLIC PARKS, PLAZAS, BEACHES, AND BEACH AREAS.

WHEREAS, in May 2001, the Park and Recreation Department ("Department") established criteria for the informal regulation of dog off-leash areas through a volunteer, advisory committee approved by the City Council known as the Ad Hoc Off-Leash Dog Committee ("Committee"); and

WHEREAS, the Committee developed policies and rules which have been posted on signs at dog off-leash areas throughout the City of San Diego; and

WHEREAS, these policies and rules do not have the force and effect of law and therefore cannot currently be enforced except by voluntary cooperation; and

WHEREAS, the Department has received frequent complaints related to dog off-leash areas including, but not limited to, the inability of people to control multiple dogs at one time; and

WHEREAS, the Department has conducted extensive public outreach by seeking input and endorsement from numerous dog off-leash stakeholders and Department advisory groups on a proposed amendment to San Diego Municipal Code section 63.0102 which codifies the policies and rules developed by the Committee; and



WHEREAS, on July 15, 2010, the Department presented the proposed amendment to San Diego Municipal Code section 63.0102 to Park and Recreation Board which recommended it for approval by the City Council; and

WHEREAS, on \_\_\_\_\_, 2010, the Public Safety and Neighborhood Services Committee voted to recommend the proposed amendment to San Diego Municipal Code section 63.0102 and forwarded it to the City Council; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego as follows:

Section 1. That Chapter 6, Article 3, Division 1 of the San Diego Municipal Code is amended to read as follows:

**§63.0102 Use of Public Parks and Beaches Regulated**

- (a) No change in text.
- (b) It is unlawful for any person within any public park or plaza or public beach or beach areas within the City of San Diego to do any of the acts enumerated in Section 63.0102(b).
  - (1) No change in text.
  - (2) Loose Animals. It is unlawful to bring, leave, turn loose or allow to go free any animal, fowl, or bird of any kind in or upon any City-owned park or plaza; provided, however, that Section 63.0102(b)(2) does not apply to:
    - (A) No change in text.
    - (B) No change in text.
    - (C) Dogs which are in special areas of parks designated and posted by the Park and Recreation Director as dog off-leash areas or dog

training areas and so long as the regulations of the Park and Recreation Director with respect to the use of such areas are followed.

- (i) Implied Consent. The presence of a dog in a designated dog off-leash area or dog training area shall constitute implied consent of the person either owning or controlling the dog to the regulations imposed by the Park and Recreation Director.
  - (ii) Liability and Indemnification. The presence of a dog in a designated dog off-leash area and dog training area shall constitute a waiver of liability, on behalf of the person either owning or controlling the dog, to the City of San Diego, as well as an agreement and undertaking to protect, indemnify, defend, and hold harmless the City of San Diego for any injury or damage caused by the dog.
- (3) through (28) No Change in text.
- (c) Dog Off Leash and Dog Training Areas. It is unlawful for an owner or person with custody, care, charge, control, or possession of a dog, or both, to do any of the following:
- (1) Have more than three (3) dogs within a designated dog off-leash area or dog training area at any time.
  - (2) Abandon or otherwise leave any dog unattended or unsupervised within any designated dog off-leash area or dog training area at any time.

- (3) Have a female dog in estrus (heat cycle) within a dog off-leash area or dog training area at any time.
  - (4) Have a dog within a designated off-leash area or dog training area without a current and valid dog license as required by San Diego County Code section 62.620 and adopted by San Diego Municipal Code section 44.0300.
- (d) Dogs in Public Parks, Plazas, Beaches, and Beach Areas. It is unlawful for a dog owner or person with custody, care, charge, control, or possession of a dog, within any public park or plaza or public beach or beach area within the City of San Diego, or both, to do any of the following:
- (1) Have a dog without a current dog license as required by San Diego County Code section 62.620 and adopted by San Diego Municipal Code section 44.0300. This provision shall not apply to nonresidents visiting for less than thirty (30) days.
  - (2) In the event of a dog bite that results in injury requiring medical care to a person or another dog, fail to provide to the injured person or owner or custodian of the injured dog, at the time of the injury, his or her full name, correct dog license information, telephone number, mailing address, and driver's license number.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.



Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By \_\_\_\_\_  
Kenneth R. So  
Deputy City Attorney

KRS:js:mm  
08/25/2010  
Or.Dept: P&R  
O-2011-11  
PL#2010-00989

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

**STRIKEOUT ORDINANCE****OLD LANGUAGE: ~~STRIKEOUT~~****NEW LANGUAGE: UNDERLINE**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 63.0102(b)(2)(C) AND ADDING SECTIONS 63.0102(c) AND 63.0102(d), ALL RELATING TO DOG OFF-LEASH AND DOG TRAINING AREAS AND TO DOGS IN PUBLIC PARKS, PLAZAS, BEACHES, AND BEACH AREAS.

**§63.0102 Use of Public Parks and Beaches Regulated**

- (a) No change in text.
- (b) It is unlawful for any person within any public park or plaza or public beach or beach areas within the City of San Diego to do any of the acts enumerated in Section 63.0102(b).
  - (1) No change in text.
  - (2) Loose Animals. It is unlawful to bring, leave, turn loose or allow to go free any animal, fowl, or bird of any kind in or upon any City-owned park or plaza; provided, however, that Section 63.0102(b)(2) does not apply to:
    - (A) No change in text.
    - (B) No change in text.

(C) Dogs which are in special areas of parks designated and posted by the Park and Recreation Director as dog ~~exercise and~~ off-leash areas or dog training areas and so long as the regulations of the Park and Recreation Director with respect to the use of such areas are followed.

(i) Implied Consent. The presence of a dog in a designated dog ~~exercise and~~ off-leash area or dog training area shall constitute implied consent of the person either owning or controlling the dog to the regulations imposed by the Park and Recreation Director.

(ii) Liability and Indemnification. The presence of a dog in a designated dog ~~exercise and~~ off-leash area or dog training area shall constitute a waiver of liability, on behalf of the person either owning or controlling the dog, to the City of San Diego, as well as an agreement and undertaking to protect, indemnify, defend, and hold harmless the City of San Diego for any injury or damage caused by the dog.

(3) through (28) No Change in text.



(c) Dog Off Leash and Dog Training Areas. It is unlawful for an owner or person with custody, care, charge, control, or possession of a dog, or both, to do any of the following:

- (1) Have more than three (3) dogs within a designated dog off-leash area or dog training area at any time.
- (2) Abandon or otherwise leave any dog unattended or unsupervised within any designated dog off-leash area or dog training area at any time.
- (3) Have a female dog in estrus (heat cycle) within a dog off-leash area or dog training area at any time.
- (4) Have a dog within a designated off-leash area or dog training area without a current and valid dog license as required by San Diego County Code section 62.620 and adopted by San Diego Municipal Code section 44.0300.

(d) Dogs in Public Parks, Plazas, Beaches, and Beach Areas. It is unlawful for a dog owner or person with custody, care, charge, control, or possession of a dog, within any public park or plaza or public beach or beach area within the City of San Diego, or both, to do any of the following:

- (1) Have a dog without a current dog license as required by San Diego County Code section 62.620 and adopted by San Diego Municipal Code section 44.0300. This provision shall not apply to nonresidents visiting for less than thirty (30) days.

- (2) In the event of a dog bite that results in injury requiring medical care to a person or another dog, fail to provide to the injured person or owner or custodian of the injured dog, at the time of the injury, his or her full name, correct dog license information, telephone number, mailing address, and driver's license number.

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